

11/13/2020 1:40 pm

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

November 12, 2020

Honorable Joseph F. Bianco
Visiting Circuit Judge
U.S. Court of Appeals for the Second Circuit
100 Federal Plaza
Central Islip, New York 11722

Re: United States v. Philip A. Kenner, et al, 13-CR-607 (JFB)
Restitution / Affidavits of Loss

Dear Judge Bianco:

We are writing to you following the recent sentencing hearing in the above-referenced matter, during which the Court also addressed matters of restitution relating specifically to Tommy Constantine. We understand and appreciate the Court's ruling that its award of restitution would be limited solely to those fraudulent schemes that were proven at trial, namely: i) the Hawaii Project; ii) Eufora, and; iii) the Global Settlement Fund (GSF). However, we are unclear why the substantial losses that we collectively incurred in connection with those three (3) aforementioned schemes were not included as part of the overall restitution award against Mr. Constantine.

Specifically, each of us submitted sworn affidavits following the guilty verdicts rendered in this case, which detail the array of losses that we collectively sustained as a result of our dealings with Phil Kenner and Tommy Constantine. We have enclosed herein additional copies of our Affidavits of Loss for your ease of reference. As you will note, included within the list of losses are the substantial investments or contributions that each of us made to the Hawaii Project, Eufora and/or the GSF, further attested to as follows:

i) Raymond "Rem" Murray	- \$100,000 (GSF)
ii) Greg deVries	- \$525,000 (GSF - \$250k; Hawaii - \$100k; Eufora - \$175k)
iii) Mattias Norstrom	- \$650,000 (GSF - \$250k; Hawaii - \$100k; Eufora - \$300k)
iv) Brian Campbell	- <u>\$250,000</u> (GSF)
TOTAL	- \$1,525,000

In advance of next week's restitution hearing relating to Phil Kenner, we are hopeful that the Court will revisit or reconsider our respective Affidavits of Loss, and include in any award of restitution the losses we incurred in connection with the Hawaii Project, Eufora and the Global Settlement Fund. Obviously, these losses (while representing only a portion of the total losses we suffered) represent a significant sum of money to us, and any potential recovery or mitigation through restitution would be readily welcomed.

If there is additional information we can provide in advance of next week's hearing, please let us know. Your ongoing consideration of these issues is very much appreciated.

Respectfully submitted,

/s/ *Raymond Murray*

Raymond "Rem" Murray

Respectfully submitted,

/s/ *Greg deVries*

Greg deVries

Respectfully submitted,

/s/ *Mattias Norstrom*

Mattias Norstrom

Respectfully submitted,

/s/ *Brian Campbell*

Brian Campbell

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA

VS.

**AFFIDAVIT OF LOSS
DOCKET#:0207 1:13CR00607**

**Philip A. Kenner
and
Tommy C. Constantine**

To the best of my knowledge and recollection at this time, the monetary losses that I have incurred due to the offense of conviction and/or through payments made, solicited or received by the Defendant(s) named in this action totals **\$100,000.00**, which sum represents the dollar amount I contributed towards the Global Settlement Fund.

To date, I have not been compensated by insurance or another source with respect to any portion of my losses described above:

I do hereby swear that the above information is true and accurate to the best of knowledge and recollection at this time.



Signature

Raymond (Rem) Murray

Print Name

7/13/20

Date

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

VS.

AFFIDAVIT OF LOSS
DOCKET#: 0207 1:13CR00607

Philip A. Kenner
and
Tommy C. Constantine

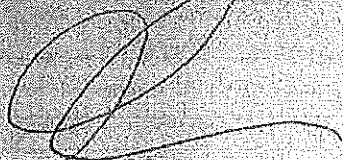
To the best of my knowledge and recollection at this time, the monetary losses that I have incurred due to the offense of conviction and/or through payments made, solicited or received by the Defendant(s) named in this action totals \$1,878,200.00, and are more specifically identified as follows:

i)	Hawaii Investments/LLCs	-	\$ 100,000.00
ii)	Global Settlement Fund (GSF)	-	\$ 250,000.00
iii)	Add'l payments for media services, and attorneys' fees	-	\$ 63,200.00
iv)	Impact Protective Equipment	-	\$ 100,000.00
v)	Code Fire	-	\$ 50,000.00
vi)	Ad Shapers Canada	-	\$ 20,000.00
vii)	TekConnect Corp.	-	\$ 100,000.00
viii)	Eufora	-	\$ 175,000.00
ix)	Vortal Optics	-	\$ 20,000.00
x)	Diamante Del Mar, LLC ¹	-	\$ 500,000.00
xi)	Los Frailes	-	<u>\$ 500,000.00</u>
	TOTAL	-	\$1,878,200.00

To date, I have not been compensated by insurance or another source with respect to any portion of my losses described above:

¹ These losses are also currently included as part of the damages that have been claimed in the pending lawsuit styled as *deVries et al. v. Jowdy & Diamante Del Mar, LLC*, Case No. 11258-VCL, filed in the Court of Chancery of the State of Delaware.

I do hereby swear that the above information is true and accurate to the best of knowledge and recollection at this time.



Signature

Gabe Vries

Print Name

March 6/16

Date

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

VS.

AFFIDAVIT OF LOSS
DOCKET#:0207 1:13CR00607

Philip A. Kenner
and
Tommy C. Constantine

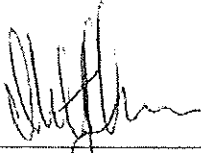
To the best of my knowledge and recollection at this time, the monetary losses that I have incurred due to the offense of conviction and/or through payments made, solicited or received by the Defendant(s) named in this action totals \$4,750,00.00, and are more specifically identified as follows:

i)	Hawaii Investments/LLCs	-	\$ 100,000.00
ii)	Global Settlement Fund (GSF)	-	\$ 250,000.00
iii)	Ecser Co.	-	\$ 50,000.00
iv)	Teknik Digital Arts	-	\$ 50,000.00
v)	Impact Protective Equipment	-	\$ 200,000.00
vi)	Integrated Telecomm.	-	\$ 100,000.00
vii)	TekConnect Corp.	-	\$ 100,000.00
viii)	Eufora	-	\$ 300,000.00
ix)	LOR Management, SA de CV / Aeropuerto Cabo San Lucas	-	\$ 400,000.00
x)	Diamante Del Mar, LLC ¹	-	\$ 500,000.00
xi)	Diamante Air	-	\$ 250,000.00
xii)	BSD	-	\$ 250,000.00
xiii)	Los Frailes	-	\$1,000,000.00
xiv)	Northern Trust LOC	-	<u>\$1,200,000.00</u>
	TOTAL	-	\$4,750,000.00

¹ These losses are also currently included as part of the damages that have been claimed in the pending lawsuit styled as *deVries et al. v. Jowdy & Diamante Del Mar, LLC*, Case No. 11258-VCL, filed in the Court of Chancery of the State of Delaware.

To date, I have not been compensated by insurance or another source with respect to any portion of my losses described above:

I do hereby swear that the above information is true and accurate to the best of knowledge and recollection at this time.



Signature

MATTIAS NORSTROM

Print Name

2 FEB. 2016

Date

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA

VS.

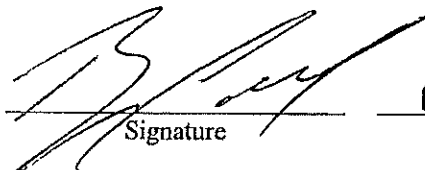
**AFFIDAVIT OF LOSS
DOCKET#:0207 1:13CR00607**

**Philip A. Kenner
and
Tommy C. Constantine**

To the best of my knowledge and recollection at this time, the monetary losses that I have incurred due to the offense of conviction and/or through payments made, solicited or received by the Defendant(s) named in this action totals **\$250,000.00**, which sum represents the dollar amount I contributed towards the Global Settlement Fund.

To date, I have not been compensated by insurance or another source with respect to any portion of my losses described above:

I do hereby swear that the above information is true and accurate to the best of knowledge and recollection at this time.

 BRIAN CAMPBELL July 1st 2020
Signature Print Name Date